

AMENDED IN SENATE AUGUST 31, 2009

AMENDED IN SENATE JULY 15, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1085**

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**Introduced by Assembly Member Mendoza**

February 27, 2009

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An act to add Section 39601.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1085, as amended, Mendoza. State Air Resources Board: regulations.

Existing law creates the State Air Resources Board and gives to the state board various duties relating to reducing emissions of air pollutants, including emissions of greenhouse gases.

This bill would require the state board to make available to the public each technical, theoretical, and empirical study, report, or similar document, if any, on which the agency relies, related to, but not limited to, air emissions, public health impacts, and economic impacts, before the comment period for any regulation proposed for adoption by the state board.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature in enacting this  
2 act to ensure that the public is provided sufficient information so  
3 that interested parties may easily and without undue effort  
4 reproduce and verify all aspects of state board staff analysis, related  
5 to, but not limited to, air emissions, public health impacts, and  
6 economic impacts, performed during the development of a  
7 regulation. Nothing in this act is intended to supersede the  
8 provisions of the California Public Records Act (Chapter 3.5  
9 (commencing with Section 6250) of Division 7 of Title 1 of the  
10 Government ~~Code~~ Code) or the Administrative Procedure Act  
11 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
12 Division 3 of Title 2 of the Government Code).

13     SEC. 2. Section 39601.5 is added to the Health and Safety  
14 Code, to read:

15     39601.5. (a) The state board shall make available to the public  
16 all information described in paragraph (2) of subdivision (b) of  
17 Section 11346.2 of the Government Code, related to, but not  
18 limited to, air emissions, public health impacts, and economic  
19 impacts, before the comment period for any regulation proposed  
20 for adoption by the state board.

21     (b) *In meeting the requirement of subdivision (a), the state board*  
22 *shall not release proprietary, confidential, or otherwise legally*  
23 *protected business information. The state board shall release*  
24 *information in aggregated form, where necessary, to protect*  
25 *proprietary, confidential, or otherwise legally protected business*  
26 *information.*